

REMARKS

This application has been carefully reviewed in light of the above office action. Reconsideration is respectfully requested in view of the following:

Interview Summary

On May 5, 2005, Mr. Fred Zustak, Esq. and the undersigned met personally with Examiners Eleni Shiferaw and Chris La Forgia regarding this application. The undersigned and Mr. Zustak appreciate the courtesy extended by Ms. Shiferaw and Mr. La Forgia during that interview, and invite the Examiners to feel free to call on the undersigned if any issues arise upon review of this response.

During that interview, an animated video presentation was made to the Examiner which illustrates some basic attributes of multiple selective encryption. An exemplary claim and the Jandel reference of record were discussed. The undersigned and Mr. Zustak indicated that a distinction over the Jandel reference is that Jandel does not duplicate selected content and does not encrypt duplicate copies of the same selected content. Instead, Jandel's encrypted content is never duplicated and represents progressive enhancements to resolution of an image. The undersigned and Mr. Zustak agree that amendments to the claims are in order to assure that this distinction is clear. Additional distinctions were also discussed. Several proposed amendments to distinguish over the Jandel reference were discussed.

Arrangement of the Specification

Regarding the arrangement of the specification, Applicant has inserted the required heading. The amendment is believed in compliance with the Examiner's requirement.

The Rejections under 35 U.S.C. §112

Claims 29, 31-34, 65-66 and 85 were rejected or objected to based on 35 U.S.C. §112. Each of these claims have been amended to correct the deficiencies noted by the Examiner. Reconsideration is respectfully requested.

The Rejections under 35 U.S.C. §101

Claims 12, 21, 62, 82, 97, 106 and 112 were rejected under 35 U.S.C. §101. Responsive to this rejection, these claims have been amended in a manner similar to that proposed by the Examiner. These claims are now believed to be clearly statutory. Reconsideration is respectfully requested.

Claims 22-24, 25-27, 63 and 83-85 were also rejected under 35 U.S.C. §101. These claims have also been amended in a manner similar to that suggested by the Examiner. These claims are now believed to be clearly statutory. Reconsideration is respectfully requested.

The Provisional Double Patenting Rejections

Claims 35-37 and 40-46 of the present application are rejected based on the judicially created doctrine of Double Patenting based upon application 10/037,498. In view of this rejection, Applicant submits herewith a terminal disclaimer. A similar terminal disclaimer will be presented in application 10/037,498.

The Rejections under 35 U.S.C. §102

Claims 54, 56, 58, 60-63, 65-69, 72-73, 76-77, 81-84, 86-87, 90, 94-99, 102-108 and 110-112 were rejected as anticipated by the Jandel reference of record.

The claims of the present application are intended to cover various aspects of multiple selective encryption (or multiple partial encryption). In multiple selective encryption, a segment of content is selected according to a selection criteria for encryption. This segment is then duplicated and encrypted under multiple encryption systems, while the remainder of the content is unencrypted. In the present embodiment, the selection criteria is based upon selection of one of the elementary streams of a digital audio/video signal. This permits receiving devices operating under any of the multiple encryption schemes to obtain access to the segment of the content which has been encrypted, and thus obtain access to the content. The selection criteria is established to select segments of content that, if encrypted, will make use of the content difficult, impossible, or at least unpleasant. The clear content is generally not useful without the encrypted content.

Upon review of the Jandel reference, it is noted that Jandel does not duplicate the content for encryption and Jandel does not encrypt the same content multiple times under multiple encryption schemes. Instead, Jandel provides clear viewable content at a low resolution. Decryption of a first set of encrypted data adds to the resolution of the image. Decryption of a second set of encrypted data progressively adds further resolution to the content. With reference to Fig. 1 of Jandel, segment 101 is clear and provides a low resolution image 107. Segment 109, if decrypted and added to the information from 101 results in a medium resolution image 111. Finally, segment 105, if decrypted and added to the information from both 101 and 103 progressively produces a higher quality image 115. (See, e.g., page 3, par. 2-3 and page 4, last par. through page 5 third par.)

Jandel's invention is designed to provide reduced need for storage by eliminating the need to store, e.g., three different images with three different resolutions. Instead, only one image of high resolution is stored, with data providing varying levels of resolution above the low resolution image being encrypted and available for progressively enhanced resolution if the recipient pays appropriately for the privilege.

In general, the Jandel reference does not teach or suggest multiple selective encryption as taught by Applicant in which portions of content are selected, duplicated and encrypted under separate encryption methods. In light of the Jandel reference, the language of the claims has been reviewed in order to determine that they in fact distinguish over this reference and clearly recite features distinctive to the multiple selective encryption arrangement disclosed.

Accordingly, the independent claims as rejected above are discussed below:

Regarding independent claim 54, this claim has been amended to assure that it is clear that the SI is duplicated to produce the first and second encrypted SI. Since there is no teaching or suggestion of this in the cited references, it is believed clear that claims 54-62 are believed clearly allowable.

Regarding independent claim 63, Applicant has also amended this claim to assure that it is clear that the first SI is duplicated to produce the second encrypted SI. Accordingly, claims 63-66 are believed clearly allowable.

Regarding independent claim 67, this claim has also been amended to assure clarity that the SI information is duplicated and multiple encrypted. Accordingly, claims 67-71 are believed clearly allowable.

Regarding independent claim 72, this claim has also been amended to assure clarity that the SI information is duplicated and multiple encrypted. This clearly distinguishes over the cited references including Jandel. Accordingly, claims 72-75 are believed clearly allowable.

Regarding independent claim 76, this claim has also been amended to assure clarity that the SI information is duplicated and multiple encrypted. Accordingly, claims 76-82 are believed clearly allowable.

Regarding independent claim 83, this claim is believed to distinguish over the cited art as presented in that it already clearly recites the duplicate encrypted elementary streams. Nevertheless, claim 83 has been amended to clarify that the encrypted duplicate elementary streams are accompanied by an unencrypted elementary stream. Accordingly, claims 83-85 are believed clearly allowable.

Regarding independent claim 86, this claim has also been amended to explicitly state the duplication. Accordingly, claims 86-97 are believed clearly allowable.

Regarding independent claim 98, this claim has also been amended to explicitly state the duplication. Accordingly, claims 98-106 are believed clearly allowable.

Regarding independent claim 107, this claim has been amended to reflect multiple selective encryption. Claim 108 has been cancelled and several of the dependent claims have been amended for consistency in language. Accordingly, claims 108-112 are believed clearly allowable.

Reconsideration and allowance of all claims rejected as noted above are therefore respectfully requested.

The Rejections under 35 U.S.C. §103

Claims 1-2, 5, 8-14, 16-23, 25-26, 28-37, 40, 42-48, 50-53, 57, 59, 74, 79, 80, 85, 93, 101 and 109 were rejected under 35 U.S.C. §103 as obvious over Jandel and Guralnick of record.

All independent claims, including those listed above, have now been amended to clearly recite attributes associated with multiple selective encryption as the term is used in the specification, wherein the multiply encrypted content is duplicate content encrypted under multiple encryption schemes. While the Guralnick reference may disclose encryption of audio data, neither Guralnick nor Jandel nor any of the other art of record is believed to teach or in any way suggest multiple selective encryption of duplicate content as disclosed and claimed by Applicant. Accordingly, claims 1-2, 5, 8-14, 16-23, 25-26, 28-37, 40, 42-48, 50-53, 57, 59, 74, 79, 80, 85, 93, 101 and 109 are believed clearly allowable over the cited art.

Claims 4, 6, 7, 41 and 49 were rejected under 35 U.S.C. §103 as obvious over Jandel and Guralnick and Yasukawa of record. The addition of Yasukawa is intended to show use of a service channel identifier. However, the combined teachings still fall short. As noted above, all independent claims, including those listed above, have now been amended to clearly recite attributes associated with multiple selective encryption as the term is used in the specification, wherein the multiply encrypted content is duplicate content encrypted under multiple encryption schemes. Neither Guralnick nor Jandel nor nor Yasukawa nor any of the other art of record is believed to teach or in any way suggest multiple selective encryption and disclosed and claimed by Applicant. Accordingly, claims 4, 6, 7, 41 and 49 are believed clearly allowable over the cited art.

Claims 89 and 91-92 were rejected based on the combination of Jandel and Yasukawa. The above remarks are equally applicable since neither Jandel nor Yasukawa provide the required teaching. Claims 89 and 91-92 are believed clearly allowable.

Claims 70-71 were rejected based upon Jandel in combination with AAPA. Again, the above remarks are applicable since Jandel fails to provide the required teaching of multiple selective encryption as claimed. Claims 70-71 are thus believed clearly allowable.

Claims 3, 15, 24, 27, 75, 78, 88 and 100 were rejected based upon Jandel, Guralnick, and Alattar of record. Again, the above remarks are applicable since neither Jandel nor Guralnick nor Alattar provide the required teaching of multiple selective encryption as claimed. Claims 3, 15, 24, 27, 75, 78, 88 and 100 are thus believed clearly allowable.

In view of the above, all claims are believed to be in condition for allowance. Reconsideration and allowance of all claims are respectfully requested.

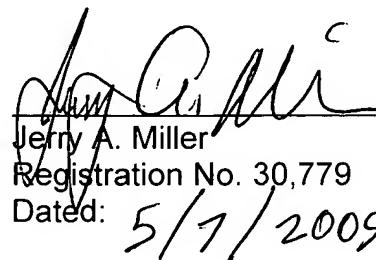
Concluding Remarks

In view of the above amendments and comments, it is believed clear that all claims are now in condition for allowance. The undersigned additionally notes that many other distinctions exist between the cited references and the invention as claimed. However, in view of the clear distinctions pointed out above, further discussion is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position.

No amendment made herein was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of a telephone call. The undersigned can be reached at the telephone number below.

Respectfully submitted,



Jerry A. Miller
Registration No. 30,779
Dated: 5/1/2005

Please Send Correspondence to:
Jerry A. Miller
Miller Patent Services
2500 Dockery Lane
Raleigh, NC 27606
Phone: (919) 816-9981
Fax: (919) 816-9982
Customer Number 24337